

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 04-105-A (400/149) )

1FW

In the Application of:

James McSwiggen

Serial No.: 10/824,036

Filing Date: April 14, 2004

For: RNA INTERFERENCE MEDIATED  
TREATMENT OF POLYGLUTAMINE  
(POLYQ) REPEAT EXPANSION DISEASES  
USING SHORT INTERFERING NUCLEIC  
ACID (siNA)



Examiner: TBD

Group Art Unit: TBD

Confirmation No.: 6045

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

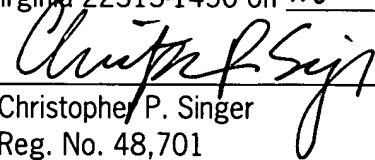
- ☒ Information Disclosure Statement;
- ☒ Information Disclosure Statement (IDS) PTO-1449 Form; and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on Nov. 18, 2004.

By :

  
Christopher P. Singer  
Reg. No. 48,701

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**PATENT**

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(Case No. 04-105-A (400/149) )**

<b>In the Application of:</b>	)	
	)	
<b>James McSwiggen</b>	)	
	)	<b>Examiner: TBD</b>
<b>Serial No.: 10/824,036</b>	)	
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<b>Filing Date: April 14, 2004</b>	)	
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<b>TREATMENT OF POLYGLUTAMINE</b>	)	
<b>(POLYQ) REPEAT EXPANSION DISEASES</b>	)	
<b>USING SHORT INTERFERING NUCLEIC</b>	)	
<b>ACID (siNA)</b>	)	

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. This application is a continuation-in-part of U.S. Patent Application No. 10/783,128, filed February 20, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003 and a continuation-in-part of 10/652,791, filed August 29, 2003, which is a continuation of 10/422,704, filed April 24, 2003, which is a continuation of U.S. Patent Application No. 10/417,012, filed April 16, 2003; this application is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003; and is relied upon for an earlier filing date under 35 U.S.C. § 120.

In accordance with Rule 37 CFR §1.98(d), those references marked with an "\*" have been previously cited and submitted to the Patent and Trademark Office with the prior applications. All references cited are also listed in the PTO-1449 form enclosed herewith.

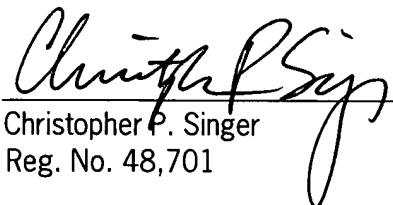
The Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. In accordance with this waiver, cited U.S. patents and U.S. patent application publications are not enclosed.

This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: *November 18,* 2004

By:   
Christopher P. Singer  
Reg. No. 48,701

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FORM PTO-1449  
(Rev. 2-32)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

Serial No.

04-105-A  
(400/1149)

10/824,036

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STATEMENT BY APPLICANT**

(Use several sheets if necessary)

**Applicant:**

James McSwiggen

**Filing Date:**

April 14, 2004

**Group:**

**U.S. PATENT APPLICATION DOCUMENTS**

Examiner Initial		Document Number	Filing Date	Name	Class	Subclass	Publication Date if Appropriate
	*	09/301,511	04/28/99	Beigleman et al.			
	*	09/740,332	12/18/00	Blatt et al.			
	*	09/800,594	03/06/01	Usman and McSwiggen			
	*	10/151,116	05/17/02	Matulic-Adamic et al.			
	*	10/201,394	08/13/01	Vargeese et al.			
	*	10/417,012	04/16/03	McSwiggen et al.			
	*	10/422,704	04/24/03	McSwiggen et al.			
	*	10/427,160	04/30/03	Vargeese et al.			
	*	10/444,853	05/23/03	McSwiggen et al.			
	*	10/652,791	08/29/03	McSwiggen et al.			
	*	10/693,059	10/23/03	McSwiggen et al.			
	*	10/720,448	11/24/03	McSwiggen et al.			
	*	10/727,780	12/03/03	Vaish et al.			
	*	10/757,803	01/14/04	McSwiggen et al.			
	*	10/783,128	02/20/04	McSwiggen et al.			
	*	60/082,404	04/20/98	Thompson et al.			

EXAMINER

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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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*	60/292,217	05/18/01	Adamic et al.			
*	60/306,883	07/20/01	Vargeese et al.			
*	60/311,865	08/13/01	Vargeese et al.			
*	60/358,580	02/20/02	Beigelman et al.			
*	60/362,016	03/06/02	Matulic-Adamic et al.			
*	60/363,124	03/11/02	Beigelman et al.			
*	60/386,782	06/06/02	Beigelman et al.			
*	60/402,996	08/13/02	Usman et al.			
*	60/406,784	08/29/02	Beigelman et al.			
*	60/408,378	09/05/02	Beigelman et al.			
*	60/409,293	09/09/02	Beigelman et al.			
*	60/440,129	01/15/03	Beigelman et al.			
*	60/543,480	02/10/04	Jadhavi et al.			
*	US 2001/0007666	01/05/99	Hoffman et al.			07/12/01
*	US 2002/0130430	12/29/00	Caster			09/19/02

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
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	*	4,987,071	01/22/91	Cech et al.			
	*	5,108,921	04/28/92	Low et al.			
	*	5,138,045	08/11/92	Cook et al.			
	*	5,214,136	05/25/93	Lin et al.			
	*	5,334,711	08/02/94	Sproat			
	*	5,416,016	05/16/95	Low et al.			
	*	5,589,332	12/31/96	Shih et al.			
	*	5,624,803	04/29/97	Noonberg et al.			
	*	5,627,053	05/06/97	Usman et al.			
	*	5,631,359	05/20/97	Chowrira et al.			
	*	5,631,360	05/20/97	Usman et al.			
	*	5,633,133	05/27/97	Long et al.			
	*	5,670,633	09/23/97	Cook et al.			
	*	5,672,695	09/30/97	Eckstein et al.			
	*	5,716,824	02/10/98	Beigelman et al.			
	*	5,741,679	04/21/98	George et al.			
	*	5,792,847	08/11/98	Buhr et al.			
	*	5,804,683	09/08/98	Usman et al.			
	*	5,814,620	09/29/98	Robinson et al.			

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	*	5,831,071	11/03/98	Usman et al.			
	*	5,834,186	11/10/98	George et al.			
	*	5,849,902	12/15/98	Arrow et al.			
	*	5,854,038	12/29/98	Sullenger et al.			
	*	5,871,914	02/16/99	Nathan et al.			
	*	5,889,136	03/30/99	Scaringe et al.			
	*	5,898,031	04/27/99	Crooke			
	*	5,902,880	05/11/99	Thompson et al.			
	*	5,989,912	11/23/99	Arrow et al.			
	*	5,998,203	12/07/99	Adamic et al.			
	*	6,001,311	12/14/99	Brennan			
	*	6,005,087	12/21/99	Cook et al.			
	*	6,008,400	12/28/99	Scaringe et al.			
	*	6,054,576	04/25/00	Bellon et al.			
	*	6,107,094	08/22/00	Crooke			
	*	6,111,086	08/29/00	Scaringe et al.			
	*	6,117,657	09/12/00	Usman et al.			
	*	6,146,886	06/12/01	Thompson et al.			
	*	6,153,737	11/28/00	Manoharan et al.			

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	*	6,162,909	12/19/00	Bellon et al.			
	*	6,168,778	01/02/01	Janjic et al.			
	*	6,180,613	01/30/01	Kaplitt et al.			
	*	6,235,310	05/22/01	Wang et al.			
	*	6,235,886	05/22/01	Manoharan et al.			
	*	6,248,878	06/19/01	Adamic et al.			
	*	6,300,074	10/09/01	Gold			
	*	6,303,773	10/16/01	Bellon et al.			
	*	6,335,434	01/01/02	Guzaev et al.			
	*	6,353,098	03/05/02	Usman et al.			
	*	6,362,323	03/26/02	Usman et al.			
	*	6,395,492	05/28/02	Manoharan et al.			
	*	6,395,713	05/28/02	Beigelman et al.			
	*	6,437,117	08/20/02	Usman et al.			
	*	6,447,796	09/10/02	Vook et al.			
	*	6,469,158	10/22/02	Usman et al.			
	*	6,476,205	11/05/02	Buhr et al.			
	*	6,506,559	06/14/03	Fire et al.			
	*	6,528,631	03/04/03	Cook et al.			

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	*	6,586,524	07/01/03	Sagara			
	*	6,617,156	09/09/03	Doucette-Stamm et al.			

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	*	2001240375 (Old Application No. 40375/01)	03/16/01	AU (Graham et al.)				
	*	2,359,180	08/03/00	CA (Kreutzer et al.)				
	*	0 360 257	02/28/90	EP (Hampel et al.)				
	*	1144623 B1	01/29/02	EP (Kreutzer et al.)				
	*	88/09810	12/15/88	WO (Tullis et al.)				
	*	89/02439	03/23/89	WO (Arnold et al.)				
	*	90/12096	10/18/90	WO (Low et al.)				
	*	90/14090	11/29/90	WO (Gillespie et al.)				
	*	91/03162	03/21/91	WO (Rossi et al.)				
	*	92/07065	04/30/92	WO (Eckstein et al.)				
	*	93/15187	08/05/93	WO (Usman et al.)				

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*	93/23569	11/25/93	WO (Draper et al.)				
*	94/01550	01/20/94	WO (Agrawal et al.)				
*	94/02595	02/03/94	WO (Sullivan et al.)				
*	95/06731	03/09/95	WO (Usman et al.)				
*	95/11304	04/27/95	WO (Usman et al.)				
*	95/11910	05/04/95	WO (Dudycz et al.)				
*	96/10390	04/11/96	WO (Ansell et al.)				
*	96/10391	04/11/96	WO (Choi et al.)				
*	96/10392	04/11/96	WO (Holland et al.)				
*	96/18736	06/20/96	WO (Beigelman et al.)				
*	96/22689	08/01/96	WO (Pyle et al.)				
*	97/26270	07/24/97	WO (Beigelman et al.)				
*	98/27104	06/25/98	WO (Breaker et al.)				
*	98/28317	07/02/98	WO (Matulic-Adamic et al)				
*	98/43993	10/08/98	WO (Breaker et al.)				
*	98/58058	12/23/98	WO (Ludwig & Sproat)				
*	98/13526	04/02/98	WO (Woolf et al.)				
*	99/04819	02/04/99	WO (Klimuk)				
*	99/05094	02/04/99	WO (Beigelman et al.)				

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*	99/07409	02/18/99	WO (Deschamps de Paillette et al.)				
*	99/14226	03/25/99	WO (Wengel et al.)				
*	99/16871	04/08/99	WO (Eckstein et al.)				
*	99/17120	04/08/99	WO (Davis and Bishop)				
*	99/29842	06/17/99	WO (Sullenger et al.)				
*	99/31262	06/24/99	WO (Barry et al.)				
*	99/32619	07/01/99	WO (Fire et al.)				
*	99/49029	09/30/99	WO (Graham et al.)				
*	99/53050	10/21/99	WO (Waterhouse et al.)				
*	99/54459	10/28/99	WO (Thompson et al.)				
*	99/55857	11/04/99	WO (Beigelman et al.)				
*	99/61631	12/02/99	WO (Heifetz et al.)				
*	99/66063	12/23/99	WO (Manoharan et al.)				
*	00/01846	01/13/00	WO (Plaetinck et al.)				
*	00/17369	03/30/00	WO (Gurney et al.)				
*	00/24931	05/04/00	WO (Nathan and Ellington)				
*	00/26226	05/11/00	WO (Breaker et al.)				
*	00/44895	08/03/00	WO (Kreutzer et al.)				

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	*	00/44914	08/03/00	WO (Li et al.)				
	*	00/49035	08/24/00	WO (Sheen)				
	*	00/53722	09/14/00	WO (O'Hare and Normand)				
	*	00/63364	10/26/00	WO (Pachuk et al.)				
	*	00/66604	11/09/00	WO (Wengel et al.)				
	*	01/04313	01/18/01	WO (Satishchandran et al.)				
	*	01/29058	04/26/01	WO (Mello et al.)				
	*	01/36646	05/25/01	WO (Zernicka-Goetz et al.)				
	*	01/38551	05/31/01	WO (Grossniklaus)				
	*	01/42443	06/14/01	WO (Churikov et al.)				
	*	01/49844	07/12/01	WO (Driscoll et al.)				
	*	01/53475	07/26/01	WO (Cogoni et al.)				
	*	01/68836	09/20/01	WO (Beach et al.)				
	*	01/70944	09/27/01	WO (Honer et al.)				
	*	01/70949	09/27/01	WO (Graham et al.)				
	*	01/72774	10/04/01	WO (Deak et al.)				
	*	01/75164	10/11/01	WO (Tuschl et al.)				
	*	01/92513	12/06/01	WO (Arndt et al.)				
	*	01/96584	12/20/01	WO (Mushegian et al.)				

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	*	02/15876	02/28/02	WO (Beigelman et al.)				
	*	02/22636	03/21/02	WO (Bennett et al.)				
	*	02/38805	05/16/02	WO (Echeverri et al.)				
	*	02/44321	06/06/02	WO (Tuschi et al.)				
	*	02/55692	07/18/02	WO (Kreutzer et al.)				
	*	02/55693	07/18/02	WO (Kreutzer et al.)				
	*	02/094185 (PCT/US02/15876)	11/28/02	WO (Beigelman et al.)				
	*	03/024420	03/27/03	WO (Ahlheim et al.)				
	*	03/046185	06/05/03	WO (Wang et al.)				
	*	03/047518	06/12/03	WO (Wang et al.)				
	*	03/064625	08/07/03	WO (Woolf et al.)				
	*	03/064626	08/07/03	WO (Woolf et al.)				
	*	03/070918 (PCT/US03/05346)	08/28/03	WO (McSwiggen et al.)				
	*	03/074654 (PCT/US03/05028)	09/12/03	WO (McSwiggen et al.)				
	*	04/013280	02/12/04	WO (Davidson et al.)				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

	*	Abramovitz et al., "Catalytic Role of 2'-Hydroxyl Groups Within a Group II Intron Active Site," Science 271:1410-1413 (1996)
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(Rev. 2-32)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

04-105-A  
(400/1149)

Serial No.

10/824,036

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

**Applicant:**

James McSwiggen

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James McSwiggen

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